

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

Petition of the Wisconsin Department of Transportation for the Alteration of a Public Crossing of the Union Pacific Railroad Co. Tracks with Broadway Avenue in the City of Sheboygan, Sheboygan County

9040-RX-1152

STAY OF ORDER

On October 4, 2001, the Office of the Commissioner of Railroads (OCR) issued an order for the alteration of a public crossing of the Union Pacific Railroad Co. (UP) tracks with Broadway Avenue in the City of Sheboygan, Sheboygan County by July 15, 2003 (crossing no. 180 221W). The highway project proposed to replace the existing grade-separated crossing with an at-grade crossing. The highway project is complete, but the UP did not install the at-grade crossing because it determined the track was not currently needed.

On August 24, 2004, the DOT requested that the Commissioner stay the order for the installation of the crossing. The DOT and the UP are currently negotiating to determine whether the crossing needs to be installed and, if not, under what conditions the crossing would be installed later, if needed. Consequently, the Commissioner is staying the order for the installation of the crossing (and associated signing and brushing) pending the outcome of those negotiations.

THEREFORE, IT IS ORDERED,

1. That the paragraphs 2-7 and 9 of the October 4, 2001 order for the installation of crossing at-grade (and associated signing and brush clearing) of Broadway Avenue with its tracks in accordance with the design plans of the Wisconsin Department of Transportation in the City of Sheboygan, Sheboygan County is hereby **stayed**.

2. That jurisdiction is retained.

Dated at Madison, Wisconsin, _____.

By the Office of the Commissioner of Railroads.

Rodney W. Kreunen
Commissioner of Railroads